

LEWISTON CITY COUNCIL AGENDA
CITY COUNCIL CHAMBERS
JUNE 20, 2017

6:00 p.m. Executive Session - Regarding consultation with the City Attorney.

6:30 p.m. Executive Session - To discuss Disposition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

7:00 p.m. Regular Meeting

Pledge of Allegiance to the Flag
Moment of Silence

Public Comment period – Any member of the public may make comments regarding issues pertaining to Lewiston City Government (maximum time limit is 15 minutes for all comments)

ALL ROLL CALL VOTES FOR THIS MEETING WILL BEGIN WITH THE COUNCILOR OF WARD 6.

REGULAR BUSINESS:

1. Public Hearing for approval of an Outdoor Entertainment Permit for a musical concert in Kennedy Park.
2. Public Hearing for approval of an Outdoor Entertainment Permit for the Liberty Festival.
3. Public Hearing for approval of outdoor concerts in Simard Payne Park for the Color Me Rad 5K Fun Run.
4. Public Hearing and Final Passage regarding an amendment to the Streets and Sidewalks Ordinance to establish the Complete Streets Committee.
5. Public Hearing and Final Passage regarding an amendment to the Streets and Sidewalks Ordinance to establish the Complete Streets system.
6. Public Hearing and Final Passage regarding an amendment to the Business Licensing ordinance regarding Outpatient Addiction Treatment Clinics.
7. Public Hearing and First Passage regarding an amendment to the Business Licensing ordinance regarding Food Trucks.
8. Public Hearing and Passage of Order, Authorizing the Issuance of \$49,749,244 to Construct and Equip the Robert V. Connors School and \$2,151,360 to Expand the Capacity of the Gymnasium, Fully Air Condition the Building, and Install an Artificial Turf in Public Improvement Bonds and Making an Appropriation for the Project.
9. Public Hearing and Passage of Order, Authorizing the Reallocation of \$150,000 in CDBG Commercial Revolving Loan Funds to be used toward funding Franklin Pasture Recreational Field Improvements.
10. Authorization to accept transfer of forfeiture funds.
11. Order authorizing the Mayor to Execute Amendment Number Seven to the Employment Agreement between the City of Lewiston and Edward A. Barrett.
12. Update from the Lewiston School Committee Representative.
13. Reports and Updates.
14. Any other City Business Councilors or others may have relating to Lewiston City Government.

LEWISTON CITY COUNCIL

MEETING OF JUNE 20, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6:00pm

SUBJECT:

Executive Session regarding consultation with the City Attorney.

INFORMATION:

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings. Discussing a legal matter with the City Attorney is a topic permitted under the statutes.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The state statutes outline the issues that will be discussed in executive session.

EAB/KMM

REQUESTED ACTION:

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To enter into an Executive Session pursuant to MRSA Title 1, section 405(6)(E) to discuss a legal matter with the City Attorney.

LEWISTON CITY COUNCIL

MEETING OF JUNE 20, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6:30pm

SUBJECT:

Executive Session to discuss Acquisition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

INFORMATION:

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To enter into an Executive Session, pursuant to MRSA Title 1, section 405(6)(c), to discuss Acquisition of Property, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

LEWISTON CITY COUNCIL

MEETING OF JUNE 20, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

SUBJECT:

Public Hearing for approval of an Outdoor Entertainment Permit for a musical concert in Kennedy Park.

INFORMATION:

The Maine Folque Co-op is sponsoring a free music concert on Saturday, June 24 in Kennedy Park. This is being held for the St. Jean Baptiste Day Musical Celebration. Since they will be having live music, they are required by the Code of Ordinances to obtain an Outdoor Entertainment permit from the City Council. Staff has reviewed their application and has no concerns with this event. Approval is recommended.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

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To conduct a public hearing on an application for an outdoor entertainment event in Kennedy Park, and to grant a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, for an outdoor music concert to be held at Kennedy Park on Saturday, June 24, contingent upon positive recommendations from the Police Department, Fire Department, Code/Health Officer and Land Use Inspector regarding compliance with all regulations and compliance with all City ordinances.

KENNEDY PARK GAZEBO APPLICATION



Application Date: June 12, 2017

Gazebo Use: Concert (folk music) in celebration of St. Jean Baptiste Day

Requested Date(s): Saturday, June 24 2017 *OUTDOOR Entertainment*

CONTACT INFORMATION

Host Organization: Maine Folque Co-op

Event Name: St. Jean Baptiste Day Musical Celebration

Mailing Address: 461 College Street City: Lewiston, ME 04240

Name of Person Responsible for Event: Cindy Larock Title: Artistic Director

Name of Contact Person (*if different*): same as above

Daytime Phone: 782-0386 Cell: 520-4223 Cell During Event: same

Contact Email: cindylarock@gmail.com

€ **Processing Fee: \$50** -non-refundable and due at time application is submitted.

- ☐
- ☐ CheckCredit Card
- ☐ Cash

Staff Use Only

Event File No: FY170039

COI Received:

Fees Received:

DISCLAIMER

The City of Lewiston shall reserve the right to deny any application if the requested information is incomplete; conflicts with City policies, ordinances, events or City services; contains information that is inaccurate or fraudulent; or appears to violate local, state, or federal law.

GAZEBO/PARK USE INFORMATION

Event Name: St. Jean Baptiste Day Musical Celebration Requested
Date: June 24, 2017 Rain Date (if applicable): NA

Type of Event/Gazebo Use: Folk concert

Event Start Time: 2 p.m. Event End Time: 2:30 p.m. Estimated Attendance: 150?

Set-up Start Time: 12 noon Clean-up End Time: 3:15 pm

- € Open to the Public **YES**
- € Other (full application may be necessary)
- € Use of Kennedy Park (please explain)

The only area of the park that we will be using is the gazebo for the musicians and the surrounding lawn area for audience (who will need to provide their own seating). The purpose of the event is to celebrate the French-Canadian/Franco-American holiday of St. Jean Baptiste Day, but the program will include music from many other ethnic traditions in an effort to honor our community's broad & rich cultural heritage.

GAZEBO USE REQUIREMENTS

Electricity

€ _____

€ _____

DETAILS | PERMITTING

Please check all that apply; include detail if applicable. Arrow denotes who to contact.

- € Processing Fee & Event Approval
- yes** € Sound Amplification Needed ___ N/A
- Office**

Administration
City Clerk's

A Permit will be required

LEWISTON CITY COUNCIL

MEETING OF JUNE 20, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 2

SUBJECT:

Public Hearing for approval of an Outdoor Entertainment Permit for the Liberty Festival.

INFORMATION:

The Liberty Festival is finalizing plans for their annual Independence Day celebration in the Twin Cities. Typically, the Festival features live music concerts outside in the city parks and this year's plans will be similar. The Council is asked to approve the standard Outdoor Entertainment Permit for the Festival. From June 30 - July 4, there will be musical concerts and other activities in Veteran's Memorial Park.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

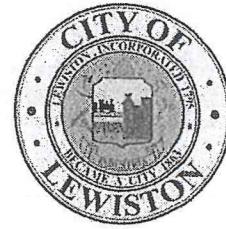
JEAB/kmm

REQUESTED ACTION:

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To conduct a public hearing on an application from the Independence Day Committee for outdoor musical concerts to be held at Veteran's Memorial Park and surrounding areas on June 30, July 1, 2, 3, and 4 with a rain date of July 5 as part of the Liberty Day Festival, and to authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the Independence Day Committee for the outdoor music concerts, contingent upon positive recommendations from the Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances.

CITY OF LEWISTON - APPLICATION for EVENTS from 7/1/17- 6/30/18



- ☐ EVENT (25+ participants)
☒ SPECIAL EVENT (over 1,000 expected)
☐ EVENT SPECIFICATIONS -check one
 ☐ First-Time Event
 ☒ Repeat Event
☐ PARK USE ONLY (see page 3)
☐ GAZEBO/AMPHITHEATER ONLY (special application required contact Admin)

Application Date: 3/1/17

Event Application must be submitted no later than **90 days prior** to the event.

Event Name: Liberty Festival

✓ Requested Date: 6/30/17 Rain Date (if applicable): 7/5/17

Event Location: Veterans Park and surrounding area

Type of Event: (Walk/Run, Festival, Concert, Etc.) Festival, Dance, Veterans Memorial, Parade, BBQ, Fireworks

Contact Name: Cathy McDonald Telephone: 207-212-8227

Email: liberty.festival@aol.com and/or cathyymmcdonald@aol.com

Host Organization: Independence Day Committee

Mailing Address: PO Box 97 City: Lewiston

☒ NON-PROFIT (NP) Documentation Required; check one below and include with application
 ☒ 501(c)(3) ☐ IRS Form 990 ☐ IRS Letter

☐ FOR-PROFIT ORGAGNIZATION

☐ Processing Fee: \$50 -non-refundable and due at the time application is submitted.
 ☒ Check ☐ Credit Card ☐ Cash

CK # 1287 TR 129708

Processing Fee: <u>\$50 PD</u>	COI: <u>needed after July 1</u>	Staff Use Only
Park Fees: <u>N/P</u>	NP Documentation: <u>IRS TAX ID #</u>	Event Number: <u>EY180018</u>
Other Fees: <u>City Clerks</u>	Fundraising Documentation: <u>Budget</u>	

CITY OF LEWISTON - APPLICATION for EVENTS from 7/1/17- 6/30/18

GENERAL INFORMATION Event and/or Park Use (Section 1)

Person Responsible for Event: Cathy McDonald Title: President

Daytime Phone: 212-8227 Cell: 212-8227 Cell During Event: 212-8227

Type of Event (Walk/Run, Festival, Concert, Etc.): Festival, Dance, Memorial, BBQ, Parade & fireworks

Event Start Time: 4 pm 4/30 Event End Time: 11 pm 7/5 Estimated Attendance: 2000

Set-up Start Time: 12 pm Clean-up End Time: 2 am

- ☒ Open to the Public
☐ Invitation Only
☐ Age Restriction

PARK USE ONLY – Provide Overview

Event Location: Veterans Park and surrounding areas

(If you will utilize a park, please check ALL that apply below)

FEES APPLY

- ☐ Simard-Payne Park \$ _____ x _____ days
☐ Dufresne Plaza \$ _____ x _____ days

NO FEE ASSESSED

- ☐ Kennedy Park
☐ Marcotte Park
☐ Mark Paradis Park
☐ Pettingill School Park
☐ Potvin Park
☐ Raymond Park
☐ Sunnyside Park
☒ Veterans Park

Location Other Than Parks:

Street(s) Main, Lincoln, Canal, Oxford, Cross, Mill,
Chestnut, Cedar

Sidewalk(s) on above named streets

Other as required for public safety

PARK FEES & APPLICABLE DISCOUNTS

SIMARD-PAYNE PARK (check one)

- ☐ Full Price: \$135 day
☐ Lewiston-based NP
(80% discount): \$27 day
☐ Out-of-Town, NP Fundraisers
(50% discount): \$67.50 day
☐ Out-of-Town, NP Event
(34% discount): \$89.10 day

DUFRESNE PLAZA (check one)

- ☐ Full Price: \$265 day
☐ Lewiston-based NP
(80 discount): \$53 day
☐ Out-of-Town, NP Fundraisers
(50% discount): \$132.50 day
☐ Out-of-Town, NP Event
(34% discount): \$174.90 day

LEWISTON CITY COUNCIL

MEETING OF JUNE 20, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 3

SUBJECT:

Public Hearing for approval of outdoor concerts in Simard Payne Park for the Color Me Rad 5K Fun Run.

INFORMATION:

Color Me Rad Productions has submitted an application requesting permission to hold an outdoor music concert in Simard Payne Park as part of their 5K Fun Run event on Saturday, July 15. The event is scheduled to operate from 9am to 12noon and is expected to have approximately 2,500 participants.

Per the City Code, an outdoor concert cannot be held on city property without approval by a majority of the Council after a public hearing. Staff recommendations are being sought from the Police Department, Fire Department, Code Enforcement/Health Officer and the Land Use Code Officer for compliance.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EA:3/kmm

REQUESTED ACTION:

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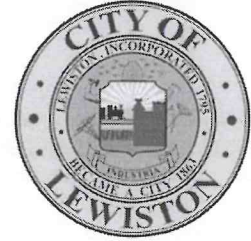
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To conduct a public hearing on an application from Color Me Rad Productions for an outdoor music concert to be held at Simard-Payne Memorial Park, on Saturday, July 15, and to authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to Color Me Rad Productions for the outdoor concerts, contingent upon positive recommendations from the Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances.

CITY OF LEWISTON - APPLICATION for EVENTS from 7/1/17- 6/30/18

- ☐ **EVENT** (25+ participants)
☐ **SPECIAL EVENT** (over 1,000 expected)
☐ **EVENT SPECIFICATIONS** –check one
☒ First-Time Event
☐ Repeat Event
☒ **PARK USE ONLY** (see page 3)
☐ **GAZEBO/AMPHITHEATER ONLY** (special application required contact Admin)



Application Date: 12/29/2016

Event Application must be submitted no later than **90 days prior** to the event.

Event Name: Color Me Rad 5k

Requested Date: 7/15/2017 **Rain Date (if applicable):** _____

Event Location: Simard-Payne Park

Type of Event: (Walk/Run, Festival, Concert, Etc.) 5k fun run

Contact Name: Jerrica Deiber **Telephone:** 801.458.8533

Email: jerrica@colormerad.com

Host Organization: Color Me Rad Productions / Sack Lunch Productions

Mailing Address: 59 W 100 S, Salt Lake City, **City:** UT 84101

☐ **NON-PROFIT (NP)** Documentation Required; check one below and include with application

☐ 501(c)(3)

☐ IRS Form 990

☐ IRS Letter

☒ **FOR-PROFIT ORGAGNIZATION**

☒ **Processing Fee: \$50** -non-refundable and due at the time application is submitted.

☒ Check

☐ Credit Card

☐ Cash

#53729

Processing Fee: PD/CHECK

COI: needed

maps included

Staff Use Only

Park Fees: *

NP Documentation: needed

Event Number:

Other Fees: *

Fundraising Documentation: needed

FY180004

*MUST PAY ALL EVENT FEES NO LATER THAN 30 DAYS IN ADVANCE OF EVENT!

CITY OF LEWISTON - APPLICATION for EVENTS from 7/1/17- 6/30/18

GENERAL INFORMATION Event and/or Park Use (Section 1)

Person Responsible for Event: Jerrica Deiber Title: Race Director

Daytime Phone: _____ Cell: 801.458.8533 Cell During Event: 801.458.8533

Type of Event (Walk/Run, Festival, Concert, Etc.): 5k fun run

Event Start Time: 9 am Event End Time: noon Estimated Attendance: 2,500

Set-up Start Time: 6 am Clean-up End Time: 4 pm

- ☐ Open to the Public
☐ Invitation Only
☒ Age Restriction

Event Location: Simard-Payne Park

(If you will utilize a park, please check ALL that apply below)

FEES APPLY

- ☒ Simard-Payne Park \$ _____ x _____ days
☒ Dufresne Plaza \$ _____ x _____ days

NO FEE ASSESSED

- ☐ Kennedy Park
☐ Marcotte Park
☐ Mark Paradis Park
☐ Pettingill School Park
☐ Potvin Park
☐ Raymond Park
☐ Sunnyside Park
☐ Veterans Park

Location Other Than Parks:

Street(s) _____

Sidewalk(s) _____

Other _____

PARK USE ONLY – Provide Overview

PARK FEES & APPLICABLE DISCOUNTS

SIMARD-PAYNE PARK (check one)

- ☐ Full Price: **\$135 day**
☐ Lewiston-based NP
(80% discount): **\$27 day**
☐ Out-of-Town, NP Fundraisers
(50% discount): **\$67.50 day**
☐ Out-of-Town, NP Event
(34% discount): **\$89.10 day**

DUFRESNE PLAZA (check one)

- ☐ Full Price: **\$265 day**
☐ Lewiston-based NP
(80 discount): **\$53 day**
☐ Out-of-Town, NP Fundraisers
(50% discount): **\$132.50 day**
☐ Out-of-Town, NP Event
(34% discount): **\$174.90 day**

LEWISTON CITY COUNCIL

MEETING OF JUNE 20, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 4

SUBJECT:

Public Hearing and Final Passage regarding an amendment to the Streets and Sidewalks Ordinance to establish the Complete Streets Committee.

INFORMATION:

The City Council held a workshop some time ago at which the ad hoc Lewiston Auburn Bike Ped Committee requested that the Council establish a new standing committee and transition the Complete Streets Policy into an Ordinance. At that time, there was discussion of two options as to the appropriate nature of the Committee: either as a Joint Committee of Lewiston and Auburn or as a Committee of the Androscoggin Transportation Resource Center, the region's metropolitan transportation planning agency. The Council indicated it would be supportive of either of these recommendations and looked to the Bike Ped Committee for a recommendation. Since then, the Committee has met with the Auburn Council, which recommended the joint City approach.

The City of Auburn has already approved such ordinances.

Members of the Bike Ped Committee will be present at the meeting to discuss this proposal.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAR/kmm

REQUESTED ACTION:

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That the proposed amendments to the City Code of Ordinances, Chapter 66 "Streets and Sidewalks", Article IV "Design and Improvements", regarding the Complete Streets Committee, receive final passage by a roll call vote.

ORDINANCE, ESTABLISHING THE COMPLETE STREETS COMMITTEE

Be it Ordained, that the Code of Ordinances be Amended as follows:

Section 66-104. Purpose and Mission

The purpose of the Complete Streets Committee is to

- (1) Promote and advise the development of public infrastructure which supports a multi-modal transportation system for all users, not strictly motor vehicles, and includes the best design practices for enhancing safety as well as community and economic development;
- (2) Develop and recommend policies to the respective governing bodies and planning agencies that address and support all modes of transportation in Lewiston Auburn;
- (3) Advise the respective public works and engineering departments on how all modes of travel can be accommodated in street, highway, trail, and open space projects;

Section 66-105. Appointment and Membership.

- (1) The Committee shall consist of nine (9) members as follows: 4 residents of the City of Auburn, 4 residents of the City of Lewiston, and 1 representative of an organization directly involved in issues of public health and wellness. A city councilor may be appointed as a resident.
- (2) The residents of each community shall be appointed in accordance with the standard procedures employed by each community for such appointments. The representative of an organization directly involved in issues of public health shall be appointed by majority vote of the members of the full committee.
- (3) The initial term for resident members shall be three (3) years, as shall the term of the representative of a public health organization. These terms shall run from the first day of January of the year in which the appointment is made. At the time the initial appointments are made, the appointing authority shall assign each resident member to a term with two member appointed to a one year term; one to a two year term; and one to a three year term. Members shall remain in office until their successors are appointed.
- (4) Vacancies shall be filled following the same process employed for the initial appointment of members.
- (5) A vacancy shall be declared if any member of the committee fails to attend three consecutive regular meetings of the committee without being excused by the committee chair.

Section 66-106. Duties and Responsibilities.

The Complete Streets Committee shall:

- (1) Follow the City's Complete Streets Policy, oversee its implementation, and review the policy every 2 years to recommend changes as appropriate;
- (2) Serve as the primary resource representing Lewiston and Auburn in the update of Regional and Statewide plans dealing with transportation issues involving bicycles,

pedestrians, public transportation, and other non-automobile related transportation issues;

- (3) Develop and recommend policies and ordinances for passage by the City Councils in support of alternative modes of transportation;
- (4) Review and comment on existing transportation projects including regionally approved projects, municipally initiated projects, and improvements originating from Traffic Movement Permits associated with development projects; and
- (5) Participate with appropriate city and state departments, committees, and metropolitan planning organizations in planning coordinated multi-modal transportation systems in L-A and the surrounding region, such as rail, bus, and air.

Section 66-107. Organization.

- (1) The Committee shall have the following officers: Chair, vice-chair, and secretary, each of whom shall be selected by a majority of the members of the committee at its first meeting in January of each year. The chair shall preside over all meetings of the board, shall supervise the affairs of the board, and shall perform such other duties as may be assigned to the office by the committee. The vice-chair shall assist the chair in carrying out the latter's duties and shall preside at meetings in the chair's absence. The secretary shall be responsible for preparing and distributing committee agendas and minutes and ensuring that the legal posting requirements are met.
- (2) A quorum necessary to conduct an official meeting shall consist of at least six members and at least six concurring votes shall be necessary to constitute an action on any matter.
- (3) The committee shall meet at least quarterly and may meet more frequently at the call of the chair.
- (4) Unless otherwise prescribed by this Division or by bylaws established by the Committee, the Committee shall operate in accordance with Robert's Rules of Order.

Section 66-108. Staff Support.

The City Manager/Administrator of each community shall designate a planning or public works staff member to serve as a liaison to the committee.

LEWISTON CITY COUNCIL

MEETING OF JUNE 20, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5

SUBJECT:

Public Hearing and Final Passage regarding an amendment to the Streets and Sidewalks Ordinance to establish the Complete Streets system.

INFORMATION:

The proposed amendment to the Streets and Sidewalks Ordinance will incorporate the Complete Streets integrated transportation system program into the City's Code of Ordinances. The City will plan for, design, construct, operate, and maintain an appropriate and integrated transportation system that will meet the needs of motorists, pedestrians, bicyclists, wheelchair users, transit vehicles and riders, freight haulers, emergency responders, and residents of all ages and abilities.

The City Council held a workshop some time ago at which the ad hoc Lewiston Auburn Bike Ped Committee requested that the Council transition the Complete Streets' Policy into an Ordinance. Council opinion on this appeared to be split with some concern that adopting such an ordinance might restrict the Council's flexibility in dealing with any particular project/proposal. In an effort to address this concern, language has been added to the proposed Section 66-111, Exceptions, to clearly state that the City Council may grant such other exceptions to the ordinance as it sees fit. See 66-111 (6).

The City of Auburn has already approved such ordinances. Members of the Bike Ped Committee will be present at the meeting to discuss this proposal.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/KMM

REQUESTED ACTION:

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That the proposed amendments to the City Code of Ordinances, Chapter 66 "Streets and Sidewalks", Article IV "Design and Improvements", regarding the Complete Streets program, receive final passage by a roll call vote.

ORDINANCE, ESTABLISHING THE COMPLETE STREETS ORDINANCE

Be it Ordained, that the Code of Ordinances be Amended as follows:

Section 66-109. Complete Streets

The City of Lewiston will plan for, design, construct, operate, and maintain an appropriate and integrated transportation system that will meet the needs of motorists, pedestrians, bicyclists, wheelchair users, transit vehicles and riders, freight haulers, emergency responders, and residents of all ages and abilities.

- (1) Transportation facilities that support the concept of complete streets include, but are not limited to, pavement markings and signs; street and sidewalk lighting; sidewalk and pedestrian safety improvements; Americans with Disabilities Act and Title VI compliance; transit accommodations; bicycle accommodations including intersection detection and appropriate signage and markings; and streetscapes that appeal to and promote pedestrian use.
- (2) The system's design will be consistent with and supportive of local neighborhoods, recognizing that transportation needs vary and must be balanced in a flexible, safe, and cost effective manner.

Section 66-110. Projects

Those involved in the planning and design of projects within the public right-of-way will give consideration to all users and modes of travel from the start of planning and design work. Transportation improvements shall be viewed as opportunities to create safer, more accessible streets for all users. This shall apply to new construction, reconstruction, and rehabilitation. The Complete Streets Committee shall be briefed on potential future projects of this nature during or immediately following the annual development of the city's capital improvement program. This will allow the Committee to provide its views regarding complete streets policy early in the planning and design process.

Section 66-111. Exceptions

Exceptions to this policy may be made under the circumstances listed below:

- (1) Street projects may exclude those elements of this policy that would require the accommodation of street uses prohibited by law;
- (2) Ordinary maintenance activities such as mowing, snowplowing, sweeping, spot repair, joint or crack sealing, or pothole filling do not require that elements of this policy be applied beyond the scope of that maintenance activity;
- (3) Ordinary maintenance paving projects may only exclude the elements of this policy that would require increasing pavement width. However, when such projects do occur, the condition of existing facilities supporting alternate transportation modes should be evaluated as well as the appropriateness of modifying existing pavement markings and signage that supports such alternate modes. This exception does not apply to street reconstruction projects;
- (4) Street reconstruction projects and maintenance paving projects which involve widening

pavement may exclude elements of this policy when the accommodation of a specific use is expected to:

- (a) require more space than is physically available, or
 - (b) be located where both current and future demand is proven absent, or
 - (c) drastically increase project costs and equivalent alternatives exist within close proximity, or
 - (d) have adverse impacts on environmental resources such as streams, wetlands, floodplains, or on historic structures or sites above and beyond the impacts of currently existing infrastructure.
- (5) In order for an exception to be granted under the conditions stated above and prior to finalizing the design and budget for the intended project, the City Engineer and Director of Public Works must first consult with the City Planner and City Administrator. If the City Administrator concludes that an exception to the policy is warranted, the Administrator or the staff representative to the Complete Streets Committee shall consult with the Committee regarding the project and the requested exception. If, after this consultation, a difference of opinion exists between the Committee and staff regarding an exception that has been granted, the Committee may forward its concerns to the City Council for its consideration.
- (6) The City Council may grant such other exceptions as it sees fit.

Section 66-112. Intergovernmental Cooperation

The City will cooperate with the City of Auburn and with other transportation agencies including the Maine Department of Transportation (MDOT) and Androscoggin Transportation Resource Center (ATRC) to ensure the principles and practices of complete streets are embedded within their planning, design, construction, and maintenance activities. The two cities will specifically cooperate to ensure the transportation network flows seamlessly between the two communities in accordance with local and regional road, transit, bicycle, and pedestrian plans and mutually agreed upon design criteria.

Section 66-113. Design Criteria

The City, through its Public Works Department, shall develop and adopt design criteria, standards and guidelines based upon recognized best practices in street design, construction, and operation. To the greatest extent possible, the City shall coordinate with the City of Auburn to adopt the same standards with particular emphasis on pedestrian and bicycle markings and wayfinding signage. Resources to be referenced in developing these standards shall include, but not necessarily be limited to, the latest editions of: American Association of State Highway Transportation Officials (AASHTO) Policy on Geometric Design of Highways and Streets, Guide for Planning, Designing, and Operating Pedestrian Facilities, and Guide for the Development of Bicycle Facilities; Institute of Transportation Engineers (ITE) Designing Walkable Urban Thoroughfares: A Context Sensitive Approach; National Association of City Transportation Officials (NACTO) Urban Bikeway Design Guide; U.S. Access Board Public Right-of-Way Accessibility Guidelines; Androscoggin Transportation Resource Center (ATRC) Complete Streets, A Guide to Best Management and Design Practice; Highway Capacity Manual and Highway Safety Manual; the Manual on Uniform Traffic Control Devices; and any applicable policies and guidance issued by the Maine Department of Transportation.

The Cities will be permitted to consider innovative or non-traditional design options that provide a comparable level of safety and utility for users as those listed above.

Section 66-114. Community Context

Implementation of this Policy shall take into account the goal of enhancing the context and character of the surrounding built and natural environments. Transportation facilities, including roads, should be adapted to fit and enhance the character of the surrounding neighborhood.

Section 66-115. Network

Special attention should be given to projects which enhance the overall transportation system and its connectivity. Specifically, high priority should be given to:

- (1) Corridors providing primary access to one or more significant destinations such as a parks or recreation areas, schools, shopping/commercial areas, public transportation, or employment centers;
- (2) Corridors serving a relatively high number of users of non-motorized transportation modes;
- (3) Corridors providing important continuity or connectivity links to existing pedestrian or bicycle networks;
- (4) Projects identified in regional or local bicycle pedestrian plans prepared by organizations such as the ATRC and other associated groups.

Section 66-116. Performance Measures

The City Administrator and/or designee shall report to the Planning Board and City Council on an annual basis on the transportation projects undertaken within the prior year and planned within the coming year and the extent to which each of these projects has met the Complete Streets ordinance.

Section 66-117 Implementation

This policy will be primarily implemented through planning comprehensive complete streets networks regionally and within each city.

Additional implementation activities will include, but not be limited to: developing project checklists that incorporate complete streets elements in the Cities' overall design processes; annual review of capital improvement plans and unified planning work programs; establishing design manuals that clearly set forth the complete streets standards; and directing the Planning Boards to evaluate changes to the Cities' respective land development codes that will extend the complete streets concept into private developments through appropriate subdivision and site plan regulations.

LEWISTON CITY COUNCIL

MEETING OF JUNE 20, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6

SUBJECT:

Public Hearing and Final Passage regarding an amendment to the Business Licensing ordinance regarding Outpatient Addiction Treatment Clinics.

INFORMATION:

In 2006, the Council approved an ordinance regulating Outpatient Addiction Treatment Clinics. At present, the City has one clinic that has been operating for several years. Staff is recommending that the definition of these treatment clinics be amended to limit the definition to match the Federal Code of Regulations regarding these types of facilities. If adopted, it would limit the distribution of narcotics, such as methadone which they are currently administering, to clinics as regulated under the Federal Code.

Please see the memorandum from City Planner David Hediger for additional information regarding this agenda item.

Passage is requested.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EABkmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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That the proposed amendment to the City Code of Ordinances, Chapter 22 "Businesses", Article XIV "Outpatient Addiction Treatment Clinics", Sections 22-412 "Definitions", receive final passage by a roll call vote.

AN ORDINANCE PERTAINING TO OUTPATIENT ADDICTION TREATMENT CLINICS

THE CITY OF LEWISTON HEREBY ORDAINS:

Chapter 22 of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

CHAPTER 22

BUSINESSES

ARTICLE XIV. OUTPATIENT ADDICTION TREATMENT CLINICS

Sec. 22-412. Definitions.

For purposes of this article, the following definitions shall apply unless the content clearly implies otherwise:

Outpatient addiction treatment clinic means a program or facility operated for the purpose of and specializing in the care, treatment and/or rehabilitation of persons suffering with addictions, that is certified to dispense medication to clients under 42 Code of Federal Regulations, Part 8,~~including, but not limited to gambling addiction, alcohol or controlled substance addictions. This includes, but is not limited to, substance abuse treatment programs licensed by the State of Maine Department of Behavioral and Developmental Services Office of Substance Abuse. An outpatient addiction treatment clinic does not include an inpatient or residential addiction treatment program, or a program consisting solely of support group activities without treatment by licensed health practitioners, such as Alcoholics Anonymous, Narcotics Anonymous, and similar programs.~~

Note: Additions are underlined; deletions are ~~struck out~~.



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: City Council
Mayor
FROM: David Hediger, City Planner
DATE: May 31, 2017
RE: Outpatient Addiction Treatment Clinic Ordinance

Staff is requesting the City Council to amend the definition of Outpatient Addiction Treatment Clinics as per Article XIV, Section 22-412 of the Code of Ordinances of the City of Lewiston. The current ordinance, which was adopted in 2006, defines such clinics to include facilities that address a variety of addictions, including gambling, alcohol, controlled substances, and facilities with treatment programs that are licensed by the State of Maine Department of Behavioral and Developmental Services Office of Substance Abuse. The ordinance was adopted with the specific intent of limiting the locations of clinics that may dispense narcotics, like a methadone. However, staff has concerns with the broadness of the current definition and potential interpretation conflicts with the definition of Business and Professional Offices as per Article II, Section 2 of the Zoning and Land Use Code.

The proposed amendment to Section 22-412 would limit its coverage to clinics that dispense narcotics to clients under 42 Code of Federal Regulations, Part 8, which states:

The regulations in this part establish the procedures by which the Secretary of Health and Human Services (the Secretary) will determine whether a practitioner is qualified under section 303(g) of the Controlled Substances Act (21 U.S.C. 823(g)) to dispense opioid drugs in the treatment of opioid addiction. These regulations also establish the Secretary's standards regarding the appropriate quantities of opioid drugs that may be provided for unsupervised use by individuals undergoing such treatment (21 U.S.C. 823(g)(1)). Under these regulations, a practitioner who intends to dispense opioid drugs in the treatment of opioid addiction must first obtain from the Secretary or by delegation, from the Administrator, Substance Abuse and Mental Health Services Administration (SAMHSA), a certification that the practitioner is qualified under the Secretary's standards and will comply with such standards.

If a facility dispenses narcotics to clients, they will continue to be required to meet existing requirements, including the need to obtain a license from the City Council and meet locational requirements. Such requirements prohibit the location of outpatient addiction clinics in certain areas, including within 1,000 feet of any church, school, daycare, or public park or playground, and within the South Lewiston Retail Growth Area, the Southern Gateway, and the Western Gateway areas. Other than an amendment to the definition, all other ordinance requirements would remain in place. These restrictions recognize there may be a unique risk of theft of narcotics or increased safety concerns arising from individuals who are administered narcotics at a facility.

Clinics that do not dispense narcotics will not be subject to the licensing provisions of Article XIV of the Code of Ordinances. They will continue to be permitted uses in zoning districts that allow for business and professional offices, as defined in Article II of the Zoning and Land Use Code.

The proposed changes have been reviewed by the city attorney given their involvement with the initial drafting of the outpatient addiction treatment clinic ordinance in 2006. Staff will be available at the meeting to assist with any questions.

LEWISTON CITY COUNCIL

MEETING OF JUNE 20, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 7

SUBJECT:

Public Hearing and First Passage regarding an amendment to the Business Licensing ordinance regarding Food Trucks.

INFORMATION:

Operators of local Food Trucks have requested some changes and revisions to the City's ordinance that regulates mobile food vendors. Misty Parker in the Economic and Community Development Department has been working with local vendors for the past two years to craft these new proposed changes.

The City Council held a workshop on this issue on June 6. Please see the attached memorandum for additional information.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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That the proposed amendment to the City Code of Ordinances, Chapter 22 "Businesses", Article 1 "In General", Section 22-2 and Article VI "Food Service Establishments", Sections 22-166 through 22-169 receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regularly scheduled City Council meeting for final passage.



Economic and Community Development

Misty Parker
Economic Development Specialist



To: Honorable Mayor and Members of the City Council
From: Misty Parker
RE: Update to Roving Diner Ordinance to Address Food Trucks
Date: May 30, 2017

Over the last two years, I have been working with Randy Smith from Pinky D's Food Trucks and City staff to develop proposed amendments to our existing Roving Diner ordinance to encourage food trucks within Lewiston.

The food truck industry has been growing across the country at a steady rate. The unique set-up has yielded an opportunity for entrepreneurs to test the local culinary market before investing in a brick and mortar business. Last January, the Portland Press Herald reported 8 local food truck businesses converted to fixed restaurant locations. It is estimated that there are over 8,000 licensed food trucks throughout the country. In Maine, Portland has had the largest draw with 28 licensed food trucks and 24 licensed pushcarts; Lewiston currently has 13 roving diners licensed (pushcarts & food trucks).

Lewiston's current ordinance, Chapter 22, Article VI, Division 2, Special Food Handlers and Roving Diners, currently regulates food trucks and pushcarts. Specific rules have been established under this ordinance for pushcarts; however, the existing ordinance does not permit roving diners on public streets unless part of a permitted event. The proposed changes will allow trucks to be located in designated parking spaces on most streets in the city.

The Roving Diner ordinance is proposed to be amended to differentiate between pushcarts and food trucks and trailers. A majority of the proposed changes apply to food trucks and trailers; however, the required 100' setback from food service businesses has been amended to measure 100' from the main entrance of the food service business for all roving diners. The setback was previously measured from any part of the business.

Additionally, all roving diners will be required to display permits on the right-hand side of the vehicle instead of the left to ensure customers and city officials can easily view the permits from the safety of the sidewalk when vehicles are parked in permitted on-street parking areas.

New Changes to Address Food Trucks and Trailers:

The proposed additions will specifically regulate when and where food trucks and trailers may operate within the City. Permitted times have been established as 6 a.m. to 10:00 p.m. if on public property and 6:00 a.m. to 1:00 a.m. if on private property with the permission of the property owner.

Food trucks will be permitted to park in permitted, on street parking spaces for a maximum period of 4 hours per day. Food trucks and trailers are required to serve to sidewalks or esplanades. Truck and trailer size will also be regulated. Due to the high demand for parking spaces in the downtown on Lisbon Street, food trucks will not be permitted on Lisbon Street unless part of permitted event. Parking on adjacent streets will be permitted where parking spaces are available. Other restricted areas include city parks, cemeteries, city owned parking lots and garages, as well as schools unless part of a permitted event or, in the case of schools, part of a school authorized function.

Food trucks and trailers interested in operating in Lewiston will still be required to obtain a city permit through the Clerk's office as well as any other required permits. The Lewiston Police Department will have the authority to close down or request a food truck or trailer to relocate if they determine the location is causing or contributing to an imminent public safety hazard.

Food trucks will be required to have an offsite permitted commissary to prepare food. This can be achieved through leased space or their own permitted space in or outside of Lewiston.

The proposed changes provide an increase in flexibility for food trucks and trailers to operate within the City while still maintaining parameters to reduce potential impacts on Lewiston businesses and residents.

The proposed ordinance changes were sent to many of the restaurants in the downtown area that would likely be impacted by the presence of food trucks in their neighborhood. Additionally, to increase our outreach to restaurant owners and residents that may be interested in knowing about the proposed changes and upcoming workshop, we contacted the Sun Journal to inform them of the proposed changes and let people know of the upcoming meetings.

The workshop is intended to introduce the proposed changes to the Council and discuss any additional changes that may be desired before moving forward with adoption of any amendments.

Sec. 22-2. Definitions.

Roving diner means any portable, ~~mobile or temporary structure,~~ and any vehicle, food truck, trailer, cart, wagon, conveyance or carrier of any kind, capable of being moved from its serving site at any time from which food is sold or caused to be sold, at retail, from house to house, store to store, building to building, or along or upon any sidewalk, street, park or other public property in the city; lunch wagons. The term "roving diner" shall not be construed to include caterers, vendors of dairy products, ice, bakery products, or similarly employed route salesmen while engaged in making deliveries to their regular customers or persons making deliveries on order from customers of retail stores in the city.

DIVISION 2. SPECIAL FOOD HANDLERS AND ROVING DINERS Sec. 22-166.

Intent and purpose.

It is the intent and purpose of this division to establish minimum regulations for special food handlers and roving diners, where food is sold within the corporate limits of the city. (Code 1982, § 12-19)

Sec. 22-167. Approval of health ~~officer~~inspector, license required.

No person shall operate a roving diner nor maintain, or otherwise engage in, any business as a special food handler or food service establishment without having first secured the approval of the health ~~officer~~inspector and obtained a license in accordance with the provisions of this article and those of articles I and II of this chapter. (Code 1982, § 12-20)

Sec. 22-168. Display of license or permit.

Any person authorized to do business in accordance with this division as a roving diner shall have displayed in a conspicuous place on the ~~left-hand~~right-hand side of each vehicle, cart, conveyance or carrier used in such business a plate showing that a license or permit has been obtained. Food trucks and trailers shall submit an application on a form provided by the City Clerk's Office with colored pictures of at least two different angles of the unit and a description that includes the length and width, when in its widest configuration. (Code 1982, § 12-21)

Sec. 22-169. ~~Pushcarts, r~~Roving diners in streets and public places.

(a) Pushcarts licensed as roving diners may be operated in the streets, ways and public places in accordance with the provisions of this section. For the purpose of this section, the term "public places" shall include public parks and grounds.

(b) No pushcart shall be operated or stationed:

(1) In the roadway as defined in chapter 66 of this Code, except when specifically authorized to do so by the chief of police on a street which has been blocked to vehicular traffic for purposes of a public event.

(2) Within 100 feet, measured by the most direct line, of ~~any part~~the main entrance of a food service BUSINESSSES Lewiston Code Chapter 22 CH 22:28 establishment having a fixed location.

(3) On the premises of a public school.

(4) In Kennedy Park, with the exception of licensed roving diners who serve as vendors as part of an approved farmer's market.

(5) In such a manner as to unreasonably obstruct the normal flow of pedestrian traffic or to expose any pedestrian to a risk of injury.

(6) On any city sidewalk where the remaining pedestrian travel path is less than six feet.

(7) In such a way that any part of the equipment overhangs over private property, unless the owner of the pushcart has authorization from the property owner in writing.

(c) No pushcart shall be operated or stationed in, on or within 50 feet of any area subject to an exclusive franchise granted by the city. The city clerk shall maintain a list of such areas and shall advise operators of pushcarts of the location thereof.

(d) Operators of pushcarts shall provide waste paper receptacles for use by their customers and shall maintain the areas in which they operate free of litter generated by their business.

(e) A license to operate a pushcart in the streets, ways and public places pursuant to this division may be suspended by the city clerk upon three days' written notice and hearing, for a period of five days, for a violation of any provision of this section and may be revoked by the municipal officers upon five days' written notice and hearing, for repeated violations of the provisions of this section.

(f) Food Trucks and Trailers

1. Food trucks and trailers may operate on City owned property from 6:00 a.m. to 10:00 p.m and 6:00 a.m. to 1:00 a.m. on private property with the permission of the property owner.

2. Police Department has the right to close down or request a food truck or trailer to relocate, where in the opinion of the Department, the food truck or trailer is causing or contributing to an imminent public safety hazard.

3. Food trucks and trailers shall not be permitted on the grounds of any school unless as part of a school authorized function.

4. Food trucks and trailers shall not be permitted in cemeteries, parking garages, city owned parking lots, on Lisbon Street, and within the boundaries of a City park unless part of a permitted event.

5. In locations on public property where food trucks and trailers are permitted to operate, food trucks and trailers shall comply with all parking rules outlined in Chapter 70, Article IV of the City Code of Ordinances, except that food trucks otherwise operating lawfully and actively offering food for sale on public property may, in any twenty-four (24) hour period, "feed" any parking meter once in order to extend the maximum parking time to 4 hours. Hourly parking food trucks or trailers may have a maximum of 4 hours at any timed spot.

6. Separation Requirement:

- a. Except when operating in connection with a festival or special event, food trucks and trailers shall not locate within 100 feet, measured by the most direct line, of occupied space of a food service establishment having a fixed location.
- b. No minimum measured space is required between food trucks and trailers

7. In addition to complying with the City's ordinances related to roving diners and these regulations, the owner and operator of a food truck or trailer is responsible for applying for and obtaining all other necessary city licenses required for the service of food and beverages. The food truck or trailer itself

shall be in compliance with the motor vehicle laws of the State of Maine, securing State of Maine Mobile Vendor license, and the food truck or trailer owner is responsible for verifying that a specific location does not violate an ordinance of the City.

8. Food trucks and trailers may not be parked overnight on city streets or in city parking lots.

9. Size limitations: Food trucks and trailers shall not exceed ten (10) feet in width, including any side extensions or awnings. Food trucks and trailers parking in metered parking spaces on city-owned property shall not exceed twenty (22) feet in length including the length of any trailer hitch, trailer, or other extension. Food trucks and trailers parking in non-metered parking spaces on city-owned property shall not exceed twenty-four (24) feet in length, including the length of any trailer hitch, trailer, or other extension.

10. Food trucks and trailers shall be self-contained when operating, except for the required trash and/or recycling receptacles, which shall be in contact with the food truck, in a safe location and in no event shall impede the free movement of automobiles or pedestrians. Owner is responsible for all clean up and waste

11. Food trucks and trailers shall serve to the sidewalk or esplanade next to a sidewalk when parked in spaces parallel to City sidewalks.

12. Food trucks and trailers shall park parallel to sidewalk or esplanade

13. Food trucks and trailers shall be in a timed, metered or legal parking spot.

14. Only food and/or non-alcoholic beverages are allowed to be sold on City property.

15. Each food truck or trailer vendor shall provide the City of Lewiston with a certificate of insurance to cover public liability in the amount of at least \$400,000.00

16. The food truck or trailer base station or (commissary) shall be inspected and properly licensed

17. Food trucks and trailers shall comply with the City's noise requirements.

18. A license to operate a food truck or trailer in the streets, ways and public places pursuant to this division may be suspended by the city clerk upon three days' written notice and hearing, for a period of five days, for a violation of any provision of this section and may be revoked by the municipal officers upon five days' written notice and hearing, for repeated violations of the provisions of this section.

(Code 1982, § 12-22; Ord. No. 91-3, § 1, 4-5-91; Ord. No. 04-12, 6-3-04)

LEWISTON CITY COUNCIL

MEETING OF JUNE 20, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 8

SUBJECT:

Public Hearing and Passage of Order, Authorizing the Issuance of \$49,749,244 to Construct and Equip the Robert V. Connors School and \$2,151,360 to Expand the Capacity of the Gymnasium, Fully Air Condition the Building, and Install an Artificial Turf Surface in Public Improvement Bonds and Making an Appropriation for the Project.

INFORMATION:

The Lewiston School Department is in the process of constructing a new elementary school to be located in Franklin Pasture and which will combine the students from two substandard elementary schools – Martel and Longley. This project has been approved by the State Board of Education and by the voters of the City of Lewiston at a referendum held on June 14, 2016. The debt service on \$49,749,244 will be paid by the state. At that same referendum, voters approved a locally supported bond issue that will expand the capacity of the new school's gymnasium, fully air condition the building, and install an artificial turf surface on one of the complex's fields. The debt service on this \$2,151,360 bond will be a local responsibility.

This order will authorize the terms and conditions under which these bonds can be sold and managed.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.



REQUESTED ACTION:

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1) To hold a Public Hearing on the Order Authorizing the Issuance of \$49,749,244 to Construct and Equip the Robert V. Connors School and \$2,151,360 to Expand the Capacity of the Gymnasium, Fully Air Condition the Building, and Install an Artificial Turf Surface in Public Improvement Bonds and Making an Appropriation for the Project.

2) To approve the Order Authorizing the Issuance of \$49,749,244 to Construct and Equip the Robert V. Connors School and \$2,151,360 to Expand the Capacity of the Gymnasium, Fully Air Condition the Building, and Install an Artificial Turf Surface in Public Improvement Bonds and Making an Appropriation for the Project.

Connors School Construction Bond Issue Order

Order, Authorizing the Issuance of \$49,749,244 to Construct and Equip the Robert V. Connors School and \$2,151,360 to Expand the Capacity of the Gymnasium, Fully Air Condition the Building, and Install an Artificial Turf Surface in Public Improvement Bonds and Making an Appropriation for the Projects.

ORDERED, That \$49,749,244 be appropriated to construct and equip the Robert V. Connors School Construction Project, a new elementary school; and \$2,151,360 be appropriated to expand the capacity of the gymnasium, fully air condition the building, and install an artificial turf surface.

FURTHER ORDERED, That to meet this appropriation, \$51,900,604 shall be raised by Public Improvement Bond Issue(s);

FURTHER ORDERED, That the City Council instruct the Finance Director to advertise for bids for \$51,900,604 or increments thereof, Public Improvement Bonds; to award the loan; and to seek and employ bond counsel to furnish the legal opinion for the same; provided that, in the alternative, the Finance Director is authorized to award the loan to the Maine Municipal Bond Bank;

FURTHER ORDERED, That the bonds shall be signed by the City Treasurer and Mayor;

FURTHER ORDERED, That the date, maturities, denominations, interest rate or rates, place or places of payment, form or other details of the bonds and of the provisions for the sale thereof shall be determined by the Finance Director under the advice of UniBank Fiscal Advisory Services Inc.;

FURTHER ORDERED, That bonds issued hereunder may be subject to call for redemption on such terms as may be determined by the Finance Director; and

FURTHER ORDERED, as the general tax based debt exceeds the debt limitation provision of Section 2-34, the City Ordinance shall be waived and, with respect to this, the Council order requires five affirmative votes for passage:

FURTHER ORDERED, On or before the call date, the Finance Director is authorized to refund/advance refund this bond series if a net present value benefit is derived.



City of Lewiston, Maine

Department of City Clerk

Kathleen M. Montejo, MMC
City Clerk & Registrar of Voters

Kelly J. Brooks, CMC
Deputy City Clerk



CERTIFICATION OF OFFICIAL ELECTION RESULTS

I, Kathleen M. Montejo, Lewiston City Clerk, do hereby certify that the following are the official election results and vote totals from the School Construction Project Referendum Election held on Tuesday, June 14, 2016:

Question One: School Construction Project	
YES	2,459
NO	980

Question Two: Expand Gym, Add Air Conditioning and Turf Field Surface	
YES	1,854
NO	1,310

Total Number of Ballots Cast/Total Number of Voters:	3439
Total Number of Eligible Voters Citywide:	25,592
Percentage of Voter Turnout:	13.4%

ATTEST:

Kathleen M. Montejo, MMC
City Clerk & Registrar of Voters

Date

LEWISTON CITY COUNCIL

MEETING OF JUNE 20, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 9

SUBJECT:

Public Hearing and Passage of Order, Authorizing the Reallocation of \$150,000 in CDBG Commercial Revolving Loan Funds to be used toward funding Franklin Pasture Recreational Field Improvements.

INFORMATION:

As part of Lewiston's CDBG program, the City has established a Commercial Revolving Loan Program and a Residential Revolving Loan Program initially capitalized with CDBG dollars. As loans are repaid into each of the RLF's, they accumulate and are available for future loans and grants to support CDBG eligible commercial and residential programs. For the last several years, the RLF's have been self-sustaining. Under HUD rules, RLF funds cannot be used for other CDBG eligible expenses, such as infrastructure or funding for agencies. The repaid loans must be used for the purposes the RLF's were established for. To use the accumulated funds for other purposes requires City Council action to reallocate the funds. Under CDBG regulations, a community can have no more than 1.5 times its annual allocation plus accumulated program income unspent 60 days before the beginning of the new fiscal year. This past winter, HUD changed their policies so that program income in RLF's is now included in this calculation. We have been unable to put enough Commercial RLF money on the streets to meet the spend down requirement. Lewiston had 1.74 times the annual allocation in undrawn funds and program income at the 60 day mark. HUD has asked the City to take action to come into line with the spend down requirement over the coming year. The Commercial RLF program has a current balance of approximately \$608,550. The program generates approximately \$120,000 annually in program income. City staff continues to communicate with several downtown building owners who have inquired about utilizing the Façade, Life Safety, Elevator, or Commercial Loan Programs. However, there is no active application in house. Heather Hunter has requested \$150,000 in funding be reallocated from the Commercial RLF to be used to purchase and install a moveable pitching mound and lighting for the playing fields. These expenses are CDBG eligible as infrastructure improvements within the CDBG Target Area.

Following a public hearing, we are asking the City Council to approve reallocation of Commercial RLF funds to help fund improvements to the Franklin Pasture recreation complex and to take action to authorize the reallocation of the funds.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order Authorizing the Reallocation of \$150,000 in CDBG Commercial Revolving Loan Funds to be used toward funding Franklin Pasture Recreational Field Improvements.



**City of Lewiston, Maine
City Council Order
June 20, 2017**



ORDER, Authorizing the Reallocation of \$150,000 in CDBG Commercial Revolving Loan Funds to be used toward funding Franklin Pasture Recreational Field improvements

Whereas, Lewiston has a Commercial Revolving Loan Fund that was initially capitalized with Community Development Block Grant funds (CDBG); and

Whereas, a balance of approximately \$608,550 has accumulated in that fund; and

Whereas, under CDBG rules, which are promulgated by the US Department of Housing and Urban Development, program income from Revolving Loan Funds (RLF) are to be used for the purpose the RLF was created, but that they can be reallocated for another CDBG eligible expense by City Council action after a public hearing; and

Whereas, additional funding is needed to help fund improvements to recreational fields at Franklin Pasture, which is located in the CDBG Target Area;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that

City staff is authorized to reallocate \$150,000 from the Commercial RLF Program to be used to help fund infrastructure improvements at the Franklin Pasture recreational fields.

Economic and Community Development

Lincoln Jeffers
Director



To: Honorable Mayor and Members of the City Council
From: Lincoln Jeffers
RE: Reallocation of CDBG Revolving Loan Funds
Date: June 14, 2017

Background

As part of Lewiston's CDBG program, the City has established both a Commercial Revolving Loan Program and a Residential Revolving Loan Program. These Revolving Loan Funds (RLF) were initially capitalized with CDBG dollars. Under the rules of the programs, as loans are repaid into each of the RLF's they accumulate and are put back out as loans and grants to support CDBG eligible commercial and residential programs.

For the last several years, the RLF's have been self-sustaining; the city has not had to use new CDBG funding to recapitalize the programs. Under HUD rules, RLF funds cannot be used for other CDBG eligible expenses, such as infrastructure or funding for agencies. The repaid loans, called "program income" by HUD, must be used for the purposes the RLF's were established for. To use the accumulated funds for other purposes requires City Council action to reallocate the funds.

Under CDBG regulations, a CDBG Entitlement Community (which Lewiston is) can have no more than 1.5 times its annual allocation plus accumulated program income unspent 60 days before the beginning of the new fiscal year. This is known as the spend down requirement. This past winter, HUD changed their policies so that program income in RLF's is now included in this calculation. City staff received notice of this change midwinter. We were not able to put enough Commercial RLF money on the streets to meet the spend down requirement before the deadline. Lewiston had 1.74 times the annual allocation in undrawn funds and program income at the 60 day mark. HUD has asked the City to take action to come into line with the spend down requirement over the coming year.

Requested Action

The Commercial RLF program has a current balance of approximately \$608,550. The program generates approximately \$120,000 annually in program income. City staff continues to communicate with several downtown building owners who have inquired about utilizing the Façade, Life Safety, Elevator, or Commercial Loan Programs. However, there is no active application in house.

Heather Hunter has been leading the charge on fundraising for the Franklin Pasture recreational fields. She has requested \$150,000 in funding be reallocated from the Commercial RLF to be used to purchase and install a moveable pitching mound as well as lighting for the playing fields. These expenses are CDBG eligible as infrastructure improvements within the CDBG Target Area.

The City Council is asked to hold a public hearing to receive public comment on the reallocation of Commercial RLF funds to help fund improvements to the Franklin Pasture recreation complex and to take action to authorize the reallocation of the funds.

LEWISTON CITY COUNCIL

MEETING OF JUNE 20, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 10

SUBJECT:

Authorization to accept transfer of forfeiture funds.

INFORMATION:

The Lewiston Police Department is requesting that the City Council authorize the acceptance of funds, in the amounts outlined below, as reimbursement for costs associated with assisting in a criminal investigation. The funds are available to the Lewiston Police Department due to its substantial contribution to the investigation of this or a related criminal case.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

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That pursuant to Title 15, Maine Revised Statutes Annotated, Section 5824(3) and Section 5822(4)(A), the City Council hereby acknowledges and approves of the transfer of \$2,600.00, or any portion thereof, in the case of the State of Maine vs. Carson Howe, CR-16-1003 Court Records, being funds forfeited pursuant to the court process. It is further acknowledged that these funds shall be credited to the 'City of Lewiston Drug Enforcement Program' account.

STATE OF MAINE
Androscoggin, ss

UNIFIED CRIMINAL COURT
Docket No. CR-16-1003

State of Maine	}	
	}	Municipality of Lewiston
v.	}	Approval of Transfer
	}	15 M.R.S.A. §5824(3) & §5822(4)(A)
Carson Howe	}	
Defendant;	}	
	}	
And	}	
	}	
\$2,600.00 U.S. Currency	}	
Defendant(s) In Rem	}	

NOW COMES the municipality of Lewiston, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) to the transfer of the above captioned Defendant(s) in Rem (\$2,600.00 U.S. Currency), or any portion thereof, on the grounds that the Lewiston Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the municipality of Lewiston, Maine does hereby approve of the transfer of the Defendant(s) In Rem, or any portion thereof, pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Lewiston municipal legislative body on or about

Dated: _____

Municipal Officer
Lewiston, Maine
(Impress municipal legislative body seal here)

LEWISTON CITY COUNCIL

MEETING OF JUNE 20, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 11

SUBJECT:

Order authorizing the Mayor to Execute Amendment Number Seven to the Employment Agreement between the City of Lewiston and Edward A. Barrett.

INFORMATION:

The City of Lewiston entered into an agreement to employ Edward A. Barrett as City Administrator on December 1, 2009 that was subsequently amended in December 2011, February 2013, and December 2013, August 2015, December 2015, and August 2016. The attached order would authorize the Mayor to execute an amendment to that agreement allowing for salary adjustments in the same amount and effective at the same time as the cost of living adjustments to be provided during FY 17 for non-unionized personnel. This will provide for a 2.1% salary adjustment effective with the payroll checks issued July 5, 2016 and 0.5% effective with the payroll checks issued January 3, 2018. Note that under this amendment, the Administrator will receive automatic cost of living adjustments in the future based on the adjustments provided to non-union personnel. The Administrator's current annual salary is \$127,455. If approved, this will increase to \$130,131 in July and to \$130,782 in January 2018.

A copy of the amendment is attached.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

This is an employment contract issue handled by the City Council.

EAB/kmm

REQUESTED ACTION:

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To approve the Order authorizing the Mayor to execute Amendment Number Seven to the employment agreement between the City of Lewiston and Edward A. Barrett.

**SIXTHSEVENTH AMENDMENT TO EMPLOYMENT AGREEMENT
BETWEEN THE CITY OF LEWISTON AND EDWARD A. BARRETT**

The employment agreement dated December 1, 2009 made and entered into by and between the CITY OF LEWISTON (Androscoggin County), State of Maine, a municipal corporation sometimes referred to as "City," and Edward A. Barrett of Lewiston, State of Maine, hereinafter sometimes referred to as "Employee", is hereby amended as follows as of this the 2- 209th day of JuneAugust, 20167.

1. Section 4. Compensation, Subsection A is amended as follows:

- A. Base Salary: The City agrees to pay the Administrator an annual base salary of one hundred twenty-seven thousand four hundred and fifty-five dollars (\$127,455) payable in installments in accordance with the City's usual payroll practices and procedures for management employees. ~~The City Administrator shall receive the same percentage adjustment in his base salary as the City's non-unionized employees received during the City's Fiscal Year 2017, such adjustment to be retroactive to payroll checks issued on July 6, 2015, the same retroactive date used for the non-union adjustment. Employer agrees to handle future cost of living increases in the same fashion as such increases are handled for other non-union employees.~~

IN WITNESS WHEREOF, the City of Lewiston has caused this agreement to be signed and executed in its behalf by its Mayor, and the Employee has signed and executed this agreement, both in duplicate, the day and year first above written.

CITY OF LEWISTON

Witness

By _____
Its Mayor

Witness

By _____
Edward A. Barrett

Deletions are ~~struck through~~; additions are underlined.